

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of **Juan MATEU *et al.***

Confirmation No.: **2556**

U.S. Patent Number: **7,682,605**

Issue Date: **March 23, 2010**

U.S. Application Number: **10/527,281**

Filing/371(c) Date: **March 9, 2005**

Attorney Docket No.: **3975-041**

For: **WATER-RESISTANT MASCARA COMPOSITION HAVING A HIGH WATER CONTENT**

**PETITION FOR RETROACTIVE FOREIGN FILING LICENSE
UNDER 35 U.S.C. §184**

Mail Stop L&R

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Pursuant to 35 U.S.C. §184 and 37 C.F.R. §5.25, Applicants respectfully petition for a retroactive foreign filing license for the subject matter disclosed in the instant U.S. Application and the following previously filed German, European, Canadian, China and International Patent Applications related to the above-identified patent application:

DE Appln. No.:	DE 10244117.0 filed September 12, 2002
Int. Appln. No.:	PCT/EP2003/010038 filed September 9, 2003
CA Appln. No.:	CA 2 498 219 filed September 9, 2003
CN Appln. No.:	CN 03820725.7 filed September 9, 2003
EPO Appln. No.:	EP 03788896.3 regional phase filed September 9, 2003, that issued as EPO Patent No. EP 1536755 on November 22, 2006 and was validated in DE, ES, FR, GB, IT, MC & NL.

Pursuant to 37 C.F.R. §5.14(a), Applicant requests that the subject matter being licensed be measured by the disclosure of the U.S. Application identified by the following information:

U.S. Application Serial No.: **10/527,281**

Filing/371(c) Date: **March 9, 2005**

Inventors: **Juan MATEU, Dominica CERNASOV and Ralph MACCHIO**

Title: **WATER-RESISTANT MASCARA COMPOSITION HAVING A HIGH
WATER CONTENT**

The relevant foreign patent applications were filed with the German Patent Office, the European Patent Office, the Canadian Patent Office, and the Chinese Patent Office. The first was German Application DE 102 44 117.0 filed September 12, 2002, which was the priority application for International Application No. PCT/EP2003/010038 filed September 9, 2003. Canadian Application CA 2 498 219 filed March 8, 2005, Chinese Application CN 03820725.7 filed March 1, 2005 and European Application EP 03788896.3 filed March 18, 2005, were the regional phase entry of the International Application. The European Application issued as EPO Patent No. EP 1536755 on November 22, 2006 and was validated in Germany (DE), Spain (ES), France (FR), Great Britain (GB), Italy (IT), Monaco (MC) and Netherlands (NL).

Pursuant to 37 C.F.R. §5.25(a)(3), Applicants submit herewith a "Verified Statement Pursuant to 37 C.F.R. 5.25(a)(3)" executed by the Applicant's German counsel.

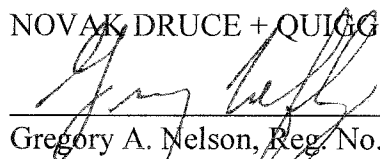
Pursuant to 37 C.F.R. §5.25(a)(4), this Petition is accompanied by credit card authorization to charge the \$200 fee for a retroactive foreign filing license. Although no additional fees are believed due, the Commissioner is hereby authorized to charge any deficiency or credit any surplus to Deposit Account No. 14-1437.

If anything further is necessary for consideration of Applicants' Petition for Retroactive License for Foreign Filing, the Examiner is respectfully requested to contact the undersigned, Greg Lefkowitz (direct line 561-847-7806).

Respectfully submitted,

NOVAK, DRUCE + QUIGG

Date: November 18, 2010



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